

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE: §  
§  
EDWARDLO AND AUDREY HOLMES, § CASE NO. 20-40912  
§ (Chapter 7)  
DEBTORS §

**AGREED ORDER AUTHORIZING TRUSTEE TO SELL REAL  
PROPERTY LOCATED AT 3368 N. ALMOND DRIVE, RIALTO, CA. 92377  
FREE AND CLEAR OF ALL LIENS, CLAIMS, AND ENCUMBRANCES**

On this day came on for consideration the Motion for Authority to Sell Real Property Free and Clear of All Liens, Claims and Encumbrances Located at 3368 N. Almond Drive, Rialto, Ca. 92377 (“**Motion**”) filed by Christopher J. Moser, Trustee (“**Trustee**”) and the Creditor’s Response to Motion to Sell (“**Response**”) filed by TOWD POINT MORTGAGE TRUST 2018-5, U.S. BANK NATIONAL ASSOCIATION, AS INDENTURED TRUSTEE (“**Creditor**”). Counsel for Trustee and counsel for Creditor advised the Court that an agreement had been reached regarding the Motion. In light of the agreement, the Court grants the Motion on the terms set forth below. **IT IS THEREFORE,**

**ORDERED** that pursuant to the provisions of 11 U.S.C. §363(f) the Trustee is authorized to sell the real property and improvements located at 3368 N. Almond Drive, Rialto, Ca. 92377 (the “**House**”) to TCT Properties, LLC and/or its assigns (“**Buyer**”) for the amount of \$300,000.00 free and clear of all liens, claims and encumbrances. **IT IS FURTHER,**

**ORDERED** that in the event that the Buyer does not close the sale of the House within fourteen (14) days of the entry of this Order, then the Trustee is authorized, in his discretion, to sell the House to any third party who pays at least \$300,000.00, or more, to purchase the House on similar terms to those set forth in the Motion. **IT IS FURTHER,**

**ORDERED** that at closing the Trustee is authorized: i) to pay Creditor a full loan payoff

(approximately \$179,000.00 – subject to an updated payoff quote); ii) to pay the bankruptcy estate a carve-out of \$25,000.00 from the second lien in favor of the Internal Revenue Service (“**IRS**”); iii) to pay normal closing costs, including unpaid property taxes and a title policy iv) to pay a realtor’s commission of \$18,000.00 and v) to pay the remaining funds to the IRS in full satisfaction of its 2<sup>nd</sup> lien upon the House. **IT IS FURTHER,**

**ORDERED** that the House, pursuant to §363(f) of the Bankruptcy Code, shall be conveyed free and clear of any liens, claims and encumbrances with all such liens, claims and encumbrances attaching to the proceeds of the sale. The filing of a certified copy of this Order in the real property records shall be sufficient to evidence the release of any mortgage lien asserted by Creditor and shall be sufficient to evidence a lien release by the IRS on the House. To the extent that the IRS’s lien has attached to any real property or personal property, other than the House, such lien shall be unaffected by this Order. A certified copy of this Order may be filed with the appropriate recording offices to evidence cancellation of any recorded encumbrances, claims, liens and other interests against the House recorded prior to the date of this Order. However, the Trustee shall be authorized to execute any documents needed to effectuate the formal release of any mortgage lien of either Creditor or the IRS should such action be needed to close the sale. **IT IS FURTHER,**

**ORDERED** that Creditor shall release its mortgage lien upon the House upon being paid in full in accordance with the provisions of this Order, with no release of lien if not paid in full. **IT IS FURTHER,**

**ORDERED** that the IRS shall release its lien upon the House upon being paid in accordance with the provisions of this Order. **IT IS FURTHER,**

**ORDERED** that the Trustee is authorized to do any and all things necessary to transfer title to the Buyer of the House and to close the above sale. **IT IS FURTHER,**

**ORDERED** that the fourteen (14) day stay provided under Rule 6004(h) of the Federal Rules

of Bankruptcy Procedure shall not apply and the Trustee may close the sale of the House immediately upon entry of this Order.

Signed on 6/15/2020

Brenda T. Rhoades SR

HONORABLE BRENDA T. RHOADES,  
UNITED STATES BANKRUPTCY JUDGE

AGREED:

QUILLING, SELANDER, LOWNDS,  
WINSLETT & MOSER, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 880-1805 (Telephone)  
(214) 871-2111 (Fax)  
[cmoser@qslwm.com](mailto:cmoser@qslwm.com) (Email)

By: /s/ Christopher J. Moser  
Christopher J. Moser

ATTORNEYS FOR TRUSTEE

MACKIE WOLF ZIENTZ & MANN, P.C.  
Parkway Office Center, Suite 900  
14160 Dallas Parkway  
Dallas, Texas 75254  
(214) 635-2650 (Telephone)  
(214) 635-2686 (Fax)  
[swu@mwzmlaw.com](mailto:swu@mwzmlaw.com) (Email)

By: /s/ Stephen Wu  
Stephen Wu

ATTORNEYS FOR CREDITOR

## Certificate of Notice Page 4 of 5

United States Bankruptcy Court  
Eastern District of TexasIn re:  
Edward L. Holmes  
Audrey L. Holmes  
DebtorsCase No. 20-40912-btr  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0540-4

User: admin  
Form ID: pdf400Page 1 of 2  
Total Noticed: 48

Date Rcvd: Jun 15, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 17, 2020.

db/jdb cr +Edward L. Holmes, Audrey L. Holmes, 2405 Dartmouth Drive, Flower Mound, TX 75022-4881  
+Lakeview Loan Servicing, LLC, c/o BDFTE, LLP, 4004 Belt Line Rd Suite 100, Addison, TX 75001-4320

br +Michael Crane, 730 Lipscomb Ave., Dallas, TX 75214-4440

7887222 American Airlines Credit, PO Box 9001006, Louisville, KY 40290-1006

7887223 American Airlines Credit plan, PO Box 9001006, Louisville, KY 40290-1006

7887224 +American Express, PO Box 650448, Dallas, TX 75265-0448

7887225 +Bank of America, PO Box 851001, Dallas, TX 75285-1001

7905912 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284

7887226 +Best Buy CitiVisa, PO Box 790441, St. Louis, MO 63179-0441

7887238 +CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
(address filed with court: Home depot, PO Box 78011, Phoenix, AZ 85062)

7887227 +Capital One, PO Box 71087, Charlotte, NC 28272-1087

7887229 +Cenlar, PO Box 11733, Newark, NJ 07101-4733

7887231 +Citibank, PO Box 6500, Sioux Falls, SD 57117-6500

7887235 #+Discover, PO Box 790213, St. Louis, MO 63179-0213

7887236 +EnerBank USA, 1245 E. Brickyard Rd., Ste. 600, Salt Lake City, UT 84106-2562

7887237 +Great-West Trust Company, LLC, PO Box 826932, Philadelphia, PA 19182-0001

7887241 +Lending club, 595 Market street, Suite 200, San Francisco, CA 94105-2807

7887242 +Macy's, PO Box 78008, Phoenix, AZ 85062-8008

7887243 +Medical City Lewisville, PO Box 740782, Cincinnati, OH 45274-0782

7887244 +Medical City Plano, PO Box 740782, Cincinnati, OH 45274-0782

7887245 +Metropolitan Anesthesia Consultants, PO Box 650823, Dept 41197, Dallas, TX 75265-0823

7887246 +NTB, PO Box 9001006, Louisville, KY 40290-1006

7887252 +Sun Run, 1515 Arapahoe Street Tower 2, Suite 600, Denver, CO 80202-2133

7887253 +Texas Health Resources, PO Box 910812, Dallas, TX 75391-0812

7887254 +Texas Medicine Resources, PO Box 8549, Fort Worth, TX 76124-0549

7887255 +US Anesthesia Partners of Texas, PO Box 840855, Dallas, TX 75284-0855

7887256 +US BANK, PO BOX 5229, CINCINNATI OH 45201-5229  
(address filed with court: US Bank, PO Box 790179, St. Louis, MO 63179)

7887259 +Voya Financial, 230 Park Avenue, New York, NY 10169-1502

7887260 +Western Alliance Bank, PO Box 742628, Cincinnati, OH 45274-2628

7887261 +Wyndham Barclays Bank, PO Box 60517, City of Industry, CA 91716-0517

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

7905708 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jun 16 2020 04:25:40  
Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

7887228 +E-mail/PDF: gecsedirecoverycorp.com Jun 16 2020 04:26:49 Care Credit, PO Box 960061, Orlando, FL 32896-0061

7887232 +E-mail/Text: bncnotices@becket-lee.com Jun 16 2020 04:15:31 Conn's, PO Box 815867, Dallas, TX 75381-5867

7887233 +E-mail/PDF: creditonebknnotifications@resurgent.com Jun 16 2020 04:25:28 Credit One, PO Box 60500, City of Industry, CA 91716-0500

7887234 +E-mail/PDF: creditonebknnotifications@resurgent.com Jun 16 2020 04:26:09 Credit One Bank, PO Box 60500, City of Industry, CA 91716-0500

7887239 E-mail/Text: sbse.cio.bnc@mail@irs.gov Jun 16 2020 04:14:46 IRS, Centralized Insolvency Department, PO Box 7346, Philadelphia, PA 19101-7346

7887240 +E-mail/Text: bncnotices@becket-lee.com Jun 16 2020 04:14:39 Kohl's, PO Box 2983, Milwaukee, WI 53201-2983

7904205 E-mail/PDF: resurgentbknnotifications@resurgent.com Jun 16 2020 04:26:10 LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

7904207 +E-mail/PDF: resurgentbknnotifications@resurgent.com Jun 16 2020 04:26:56 Medical Center Of Lewisville, Resurgent Capital Services, PO Box 1927, Greenville, SC 29602-1927

7904206 +E-mail/PDF: resurgentbknnotifications@resurgent.com Jun 16 2020 04:25:32 Medical Center Of Plano, Resurgent Capital Services, PO Box 1927, Greenville, SC 29602-1927

7887247 E-mail/PDF: gecsedirecoverycorp.com Jun 16 2020 04:26:03 Old Navy Synchrony bank, PO Box 530942, Atlanta, GA 30353-0942

7910966 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 16 2020 04:26:54 Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541

7887631 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 16 2020 04:26:09 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

7887248 +E-mail/PDF: gecsedirecoverycorp.com Jun 16 2020 04:25:26 Sam's Club Master Card, PO Box 960013, Orlando, FL 32896-0013

7887249 E-mail/PDF: gecsedirecoverycorp.com Jun 16 2020 04:25:28 Sams Club Synchrony Bank, PO Box 530942, Atlanta, GA 30353-0942

7887250 +E-mail/Text: jennifer.chacon@spsservicing.com Jun 16 2020 04:15:33 Select Portfolio Services, PO Box 65450, Salt Lake City, UT 84165-0450

7887251 +E-mail/Text: home.sfbank-bankruptcynotice.083i01@statefarm.com Jun 16 2020 04:14:49 State Farm Bank, 1 State Farm Plaza, Bloomington, IN 61710-0001

7887258 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Jun 16 2020 04:14:29 Verizon Wireless, PO Box15124, Albany, NY 12212-5124

TOTAL: 18

District/off: 0540-4

User: admin  
Form ID: pdf400

Page 2 of 2  
Total Noticed: 48

Date Rcvd: Jun 15, 2020

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr SELECT PORTFOLIO SERVICING, INC. as servicer for T  
cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
7887257\* ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229  
(address filed with court: US Bank, PO Box 790408, St. Louis, MO 63179)  
7887230 ##+Citibank, PO Box 6062, Sioux Falls, SD 57117-6062

TOTALS: 1, \* 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 17, 2020

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on June 15, 2020 at the address(es) listed below:

Abbey U. Dreher on behalf of Creditor Lakeview Loan Servicing, LLC edecf@BDFGROUP.com,  
marshak@bdfgroup.com  
Christopher Moser cmoser@qslwm.com,  
cmoser@ecf.epiqsystems.com;kimhill@qslwm.com;cjm@trustesolutions.net  
Christopher Moser on behalf of Trustee Christopher Moser cmoser@qslwm.com,  
cmoser@ecf.epiqsystems.com;kimhill@qslwm.com;cjm@trustesolutions.net  
Daniel C. Durand, III on behalf of Debtor Edward L. Holmes bankruptcy@durandlaw.com,  
durand@durandlaw.com  
Daniel C. Durand, III on behalf of Joint Debtor Audrey L. Holmes bankruptcy@durandlaw.com,  
durand@durandlaw.com  
Michael Zientz on behalf of Creditor SELECT PORTFOLIO SERVICING, INC. as servicer for TOWD  
POINT MORTGAGE TRUST 2018-5, U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE  
txed@mwzmlaw.com  
Stephen Wu on behalf of Creditor SELECT PORTFOLIO SERVICING, INC. as servicer for TOWD POINT  
MORTGAGE TRUST 2018-5, U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE swu@mwzmlaw.com,  
txed@mwzmlaw.com  
US Trustee USTPRegion06.TY.ECF@USDOJ.GOV

TOTAL: 8